



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/451,207 11/29/99 FRANK

L 3922.43

MMC1/0316
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EXAMINER

TAYLOR, L

ART UNIT

PAPER NUMBER

2876

DATE MAILED:

03/16/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trad marks

Office Action Summary	Application No. 09/451,207	Applicant(s) FRANK ET AL.	
	Examiner Larry D Taylor	Art Unit 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claims ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- | | |
|--|--|
| 15) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____. |
| 16) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 17) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____. | 20) <input type="checkbox"/> Other: |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1, 2, 4, 5, 7-20, 22, 23, 25, and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Gebb (US 6,067,532).

Gebb teaches a method and system for obtaining counterfeit resistant documents, comprising: a user 20 ordering the document (in this case, an event admissions ticket) using a device over an open communications network 40 from a seller's device 10; assigning unique information to the document; and electronically transmitting the document information to the user, such information being the time and date of the event and seat information (see figure 1 and col. 5, lines 7-24). It is taught that the information on the ticket can be in the form of machine-readable code (col. 3, lines 34-40 and col. 7, lines 14-20). The ticket can be printed at output device 80 for the user (col. 5, lines 50-51 and col. 7, lines 5-7), which may also consist of a fax machine (col. 4, line 2). The communications network may use the Internet, with the user device as a PC and the seller device as a server (col. 4, lines 1-16). The user may use a credit card to purchase the ticket (col. 5, lines 1-6), possibly over the telephone (col. 4, line 2).

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Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3, 6, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gebb, in view of Walker et al. (US 6,193,155 B1). The teachings of Gebb have been discussed above.

Gebb however fails to teach the document as a gift certificate.

Walker teaches a method and apparatus for issuing a gift certificate or event ticket from a location, the documents containing a bar code or magnetic stripe (see abstract; col. 9, lines 29-34; and claim 13).

It would have been obvious to one of ordinary skill in the art to provide the capabilities of issuing gift certificates with the system of Gebb. It is notoriously well known for users to utilize personal computers or terminals for purchasing multiple luxuries as cash, traveler's checks, and stamps at one location. With the addition of the Internet, such purchases are commonly made at home. Gift certificates issued by various department stores have become well known to be accessible by the same means. Adding the issuance of gift certificates merely provides versatility in the purchasing capabilities of the personal computer of a user, thus affording convenience and saving time otherwise spent on other methods of obtaining a gift certificate.

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Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Veeneman et al. (US 5243174) and Spector (US 5870718) teach ordering gift certificates at a PC. Helbling et al. (US 5797126) teach the issuance of tickets at a kiosk.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Larry D Taylor whose telephone number is (703) 306-5867. The examiner can normally be reached on M-F (8:30 - 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (703) 305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



Larry D Taylor
March 13, 2001



MICHAEL G. LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800